

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

09 Cr. 381 (PKC)

-against-

ORDER

STANLEY JACKSON,

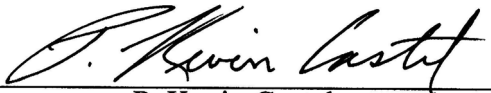
Defendant.
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CASTEL, U.S.D.J.

Mr. Jackson seeks permission to file a “successive petition.” From the Court’s review of the docket, he did, indeed, file a prior motion pursuant to 28 U.S.C. §2255 in 2016 but Mr. Jackson sought and obtained the Court’s permission to withdraw that motion without prejudice. Order of May 11, 2017. (Doc 602.) The Court’s preliminary view is that a new motion would not be a second or successive motion within the meaning of 28 U.S.C. § 2255(h).

Mr. Jackson may file a motion. The Court expresses no view on the merits of the motion or its timeliness. The government shall respond 30 days after filing and plaintiff may respond 21 days after the government’s response is filed.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
April 7, 2022

COPY MAILED TO: Stanley Jackson, # 98-A-2485, Fishkill Correctional Facility,
Beacon, NY 12508